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CPAN 883 of 2022
in
W.P.A. 19922 of 2021
(Asim Kr. Chai vs. State of West Bengal & Ors.)
With
R.V.W. 146 of 2022
(State of West Bengal & Ors. vs. Asim Kr. Chai)

Re: R.V.W. 146 of 2022

Md. T. M. Siddiqui
Mr. N. Chatterjee
.... For the Applicants/Respondents

Mr. Ayan Banerjee
Mr. Sandip Chakraborty
Mr. Kaustav Das
.... For the Writ Petitioner

Heard learned counsels for the parties.

Learned counsel for the Applicants/Respondents seeks review of the order passed by this Court on 9th March, 2022 in W.P.A. 19922 of 2021 on the ground that the erstwhile lessees had no authority to execute the sub lease in favour of the writ petitioner and also, the Block Land and Land Reforms Officer had no authority to make a proposal for long term settlement of the plot in question in favour of the petitioner.

It is submitted on behalf of the petitioner that the petitioner was called for hearing by the concerned authority in compliance with the order dated 9th March,

2022 and such hearing was held. Therefore, the order has been acted upon and the applicants/respondents are not entitled to pray for review of the said order thereafter.

It is not in dispute that the order has been acted upon by the concerned authority in hearing the petitioner in this regard. It is recorded in the order that the lessees had no right to execute the sub lease in favour of the petitioner and proposal for long term settlement in favour of the petitioner was initiated by the Block Land and Land Reforms Officer by a letter issued on 16th November, 2017 to the Additional District Magistrate and District Land and Land Reforms Officer. It was submitted on behalf of the State respondents that the second respondent in the writ petition being the Principal Secretary, Land and Land Reforms & Refugee, Relief and Rehabilitation Department be directed to consider the proposal made in favour of the petitioner by the Block Land and Land Reforms Officer, within a stipulated time frame. It is crystal clear from the order itself that no proposal in favour of the petitioner was directed to be issued by the Court and the proposal which was already in place was only directed to be finalised. The entire facts were placed before the Court and the order was passed upon consideration of the submission made on behalf of the parties. There is no new fact which has led to the

petition for review and facts already placed before and decided by the Court cannot, in any circumstance, be reconsidered in the garb of a review. Since the proposal already made in favour of the petitioner was directed to be finalised, there is no scope for review of the said order and as such the review application being RVW 146 of 2022 is liable to be dismissed.

Accordingly, the review application being RVW 146 of 2022 is dismissed.

There shall be no order as to costs.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

Re: CPAN 883 of 2022

Learned counsel for the alleged contemnor seeks accommodation to comply with the order under contempt.

Let the matter appear under the same heading on 17th March, 2023.

(Suvra Ghosh, J.)